

REMARKS

Claims 1-26 are pending in the present application.

The Examiner has required election in the present application among:

Group I, claims 1-7, 19 and 20, drawn to an isolated polypeptide comprising a peptide selected from the group consisting of SEQ ID Nos: 2, 6-46, each drawn to a distinct invention; classified in class 530, subclass 350;

Group II, claims 8-11, 17, 18, 25 and 26; drawn to an isolated polynucleotide comprising a nucleic acid encoding SEQ ID No: 2, complements and variants of the polynucleotide; classified in class 536, subclass 23.1;

Group III, claims 12(a), (c), and 13, drawn to a method for producing an antigen-presenting cell, comprising contacting the APC with a protein, as shown in SEQ ID No: 2, and cells produced; classified in class 424, subclass 184.1;

Group IV, claims 12(b), (d) and 13, drawn to a method for producing an antigen-presenting cell, comprising contacting the APC with a nucleic acid encoding SEQ ID No: 2, and cells produced; classified in class 424, subclass 93.1;

Group V, claims 14(a), (c) and 15, drawn to a method for producing a CTL, comprising contacting a lymphocyte with a protein, as shown in SEQ ID No: 2, and CTL produced; classified in class 424, subclass 184.1;

Group VI, claims 14(b), (d), and 15, drawn to a method for producing at CTL, comprising contacting a lymphocyte with a nucleic acid encoding SEQ ID No: 2; classified in class 424, subclass 93.1;

Group VII, claims 16, 21 and 22 are directed to an antibody that recognizes SEQ ID No: 2; classified in class 530, subclass 387;

Group VII, claims 23, and 24, drawn to a HLA tetramer comprising an antigen and a peptide SEQ ID No: 2.

For the purpose of examination of the present application, Applicants elect Group I, Claims 1-7, 19 and 20. This election is made without traverse.

Applicants further elect the peptide of SEQ ID NO: 2. This election is made with traverse. In particular, the Examiner has required election as a separate invention among the several amino acid sequences of SEQ ID NOS: 2 and 6-36. Applicants submit that this requirement for a second election as a separate invention is improper; rather the election here is only one of an election of species, and the sequences SEQ ID NOS: 6-36 should be examined in accord with election of species practices.

The Examiner must consider that the sequences 6-36 are each peptides that represent “subsequences” of the longer sequence SEQ ID NO: 2. Thus, SEQ ID NO: 2 is in a sense generic to each of the shorter sequences 6-36 that are “derived” from it, and so a claim directed to SEQ ID NO: 2 would be a “linking claim” with respect to claims reciting one or more of SEQ ID NOS: 6-36.

In this regard then, the Examiner is requested to include in the present examination at least SEQ ID NO: 6 as a first species to be examined together with the “linking” sequence of SEQ ID NO: 2.

Applicants further submit that there is no undue burden of search borne by the Examiner to search at least SEQ ID NO: 6 together with SEQ ID NO: 2. That is, search of the prior art with respect to SEQ ID NO: 6 should identify any proteins that also would be homologous to SEQ ID NO: 2., as SEQ ID NO: 6 is embedded within SEQ ID NO: 2 and any protein having a high degree of sequence identity to SEQ ID NO: 2 should include the short peptide of SEQ ID NO: 6.

In passing, Applicants note that a portion of the subject matter of claims 25 and 26, that is, to the degree these claims depend from claims 19 and 20, is actually included within the scope of Group I. Accordingly, Applicants request examination of claims 25 and 26 to this extent.

Applicants also note their option of maintaining the scope of the method claims of Groups III-VI so as to allow for rejoinder upon a finding of allowability of the claims of Group I.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mark J. Nuell, Registration No 36,623 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.


☒ Attached is a Petition for Extension of Time.

☒ Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 
Mark J. Nuell
Registration No.: 36,623
BIRCH, STEWART, KOLASCH & BIRCH, LLP
12770 High Bluff Drive
Suite 260
San Diego, California 92130
(858) 792-8855
Attorney for Applicant